

Serial No. 10/055,758
Customer No. 24498

PATENT
Docket No. PU020021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	J. Stewart	Examiner:	A. Shang
Serial No.	10/055,758	Group Art Unit:	2623
Filed:	January 23, 2002	Docket No.	PU020021
Title:	PROVIDING MULTIMEDIA ON DEMAND IN A NEAR ON DEMAND ENVIRONMENT		
Customer No.:	24498		

APPEALANT REPLY BRIEF

MAIL STOP: APPEAL BRIEF - PATENTS
Commissioner for Patents
Post Office Box 1450
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Sir:

This replay brief is a response under 37 C.F.R. 41.41 to the Examiner's Answer mailed on April 30, 2008. No fee is owed in connection with this response, but if any fees are owed please charge Deposit Account 07-0832.

I. STATUS OF CLAIMS

The status of claims of all the claims in the application, claims 1, 2, 5, 6, 8-12, 15, 16, and 18, is set forth in Appendix A of this brief. Claims 1, 2, 5, 6, 8-12, 15, 16, and 18 are rejected under 35 U.S.C. §103(a) in the Final Office Action dated July 13, 2007 and the Advisory Action dated October 9, 2007. Claims 3-4, 7, 13-14, and 17 are cancelled.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 2, 5, 6, 8-12, 15, 16, and 18 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,701,528 (“Arsenault”) in view of U.S. Patent No. 6,002,694 (“Yoshizawa”).

III. ARGUMENT

REJECTION OF CLAIMS 1, 2, 5, 6, 8-12, 15, 16, and 18 UNDER 35 U.S.C. 103(a)

The Examiner rejected claims 1, 2, 5, 6, 8-12, 15, 16, and 18 under 35 U.S.C. 103(a) as being obvious over Arsenault” in view of Yoshizawa. With respect to independent claim 1 (which is the representative claim being argued in this reply brief) and the arguments put forth in the Appellant’s Brief, the Examiner addressed the following in the Examiner’s Answer on page 6, 2nd paragraph in regard to claim 1’s element of “preventing playback of said recoding of said selected one of said plurality of multimedia presentations upon completion of said presentation”:

“Yoshizawa discloses preventing playback of the recording of the selected one of the plurality of multimedia presentations upon completion of the presentation (upon completion reads on “end” of viewing/re-viewing within a specific time; outside the specific time, the viewer is not able to view of re-view [sic] unless the viewer pay for the request; (Col. 5, lines 46-53).”

The Appellants first take issue with the Examiner's interpretation of what the claimed "completion of said presentation" means, where although the Appellants agree that such language indicates the end of viewing a presentation, such language **does not** means a "reviewing" of the presentation. That is, the claim language of claim 1 clearly claims that a program will not be capable of being "re-viewed" after the presentation of such a program ends. At a high level, this would eliminate the Examiner's combination of Arsenault with Yoshizawa, because at best, the operation of claim 1 would not provide for the case where a program would be capable of being re-viewed within a certain period. Clearly, the operation of claim 1 prevents a program from being re-viewed after the program has been viewed, not upon the expiration of a period of time where a program may be re-viewed.

The Examiner then misstates the concepts taught in Yoshizawa (in combination with Arsenault), by writing, "Yoshizawa discloses preventing playback of the recording of the selected one of the plurality of multimedia presentations upon completion of the presentation (upon completion reads on "end" of viewing/re-viewing within a specific time; outside the specific time, the viewer is not able to view of re-view [sic] unless the viewer pay for the request; (Col. 5, lines 46-53)."

The part of Yoshizawa that the Examiner cites to actually refers to an aspect of performing a billing operation where a "program ID information" is transmitted as part of video and audio data at specific periods and transmits (Yoshizawa, col. 5, lines 29-31). The reference presents two cases for billing where, "The program ID information detected is compared with all programs which were viewed in a specific time and are stored in the program ID information means to see whether or not there is a program ID information coincident with the detected program ID information. If there is no coincident is detected, it is deemed as a reception of a new program and the program ID information is **transmitted to the billing side.....The billing side gets a title of the program which is viewed by the subscriber from the received information and bills the subscriber**

correspondingly,” (Yoshizawa, col. 5, 38-49, emphasis added). That is, the customer will get billed if the “program ID information” does not match another program.

If the program ID information however does match, providing for a coincidence, “it is deemed as a re-viewing of a program within a specific time and **the program ID information therefore is neither stored or transmitted**,” (Yoshizawa, col. 49-53). That is, the customer will not be billed for this reviewing of a program, if it is within a certain time period.

Clearly, these concepts are the same as “preventing playback of said recoding of said selected one of said plurality of multimedia presentations upon completion of said presentation” as such concepts of Yoshizawa with Arsenault deal with the question whether a viewer should be billed for watching a program.

Similarly, the section of Yoshizawa that the Examiner cites to as an alternative to what is described above addresses using a descrambler 162 to descramble video and audio information using extracted key information, (Yoshizawa, col. 8, lines 41-63). This section of Yoshizawa (as any other section of Yoshizawa, alone or in combination with Arsenault) do not teach or disclose the claimed element of “preventing playback of said recoding of said selected one of said plurality of multimedia presentations upon completion of said presentation”. This section of Yoshizawa is a basic descrambling circuit which does not anticipate this claimed element of claim 1.

Appellant also submits that these comments above similarly apply to the rejection of independent claim 11.

IV. CONCLUSION

The Examiner has not shown in the cited prior art where one may find support for rejections of the pending claims on Appeal. There is simply no disclosure/support pointed out by the Examiner that is even relevant to the features positively recited in claims 1, 2, 5, 6, 8-12, 15, 16, and 18. Appellant contends that the rejections are traversed and overcome, in light of the arguments presented above.

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The allowance of all claims on Appeal is therefore respectfully requested. An Oral Hearing is not requested.

Respectfully submitted,

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